



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8EPR-N

Collin Ewing, Acting Manager  
Dominquez-Escalante National Conservation Area  
Bureau of Land Management  
2815 H Road  
Grand Junction, CO 81506

Re: Dominquez-Escalante National Conservation Area  
Draft Resource Management Plan and Environmental  
Impact Statement CEQ # 20130133

Dear Mr. Ewing:

In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Bureau of Land Management's (BLM) Dominquez-Escalante National Conservation Area (D-E NCA) Draft Resource Management Plan and Environmental Impact Statement (Draft RMP/EIS).

**Background**

The D-E NCA was designated under the Omnibus Public Lands Management Act of 2009 (Omnibus Act) to provide for long-term conservation and protection of unique and important values. These values identified in the Omnibus Act include the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational and scenic resources of the public lands. The D-E NCA planning area includes 218,393 acres of BLM, private and state surface lands in Mesa, Montrose and Delta Counties. The BLM currently manages 210,012 acres of public lands within the D-E NCA in accordance with the 1987 Grand Junction RMP, as amended, and the 1989 Uncompahgre Basin RMP, as amended. When the D-E NCA RMP is completed, management will be guided exclusively by this new RMP and not through the BLM's RMP revisions for the Grand Junction or the Uncompahgre Field Offices.

The Draft RMP/EIS describes and analyzes five alternatives for managing resources. Alternative A (the No Action Alternative) would continue current management direction. Under Alternative B, the BLM would rely on natural processes and restrictions on allowable uses to conserve and protect the resources of the D-E NCA. Under Alternative C, the BLM would use active management for biological restoration and cultural resource protection. Under Alternative D, the BLM would make a commitment to trail-based recreation and specific recreation outcomes and settings. And finally, Alternative E (the Preferred

Alternative) would provide a blend of management approaches considered under the other alternatives.

## **The EPA's Comments and Recommendations**

The EPA commends the BLM for the work that has gone into this comprehensive Draft RMP/EIS. We found the document to be well-written, well-organized and easy to read. The EPA's comments, along with recommendations for how the BLM might address them, are specific to the following issues: (1) groundwater resources; (2) surface water resources; (3) riparian habitat; (4) source water protection and public drinking water supply; (5) potential measures to protect water resources from impacts due to grazing; and (6) water resources best management practices (BMPs).

### **1. Groundwater Resources**

#### *Groundwater Resource Characterization*

Groundwater is an important resource in the D-E NCA, but is not fully characterized in the Draft RMP/EIS. Springs, seeps and wells in the planning area, which are crucial to both livestock and wildlife, are dependent on groundwater. The EPA recommends Chapter 3 of the Final RMP/EIS better characterize groundwater resources by including the following information:

- A description of all aquifers in the study area, noting which aquifers are Underground Sources of Drinking Water (USDWs). Federal Safe Drinking Water Act regulations define a USDW as an aquifer or portion thereof: (a)(1) which supplies any public water system; or (2) which contains a sufficient quantity of ground water to supply a public water system; and (i) currently supplies drinking water for human consumption; or (ii) contains fewer than 10,000 mg/l total dissolved solids; and (b) which is not an exempted aquifer (See 40 CFR Section 144.3); and
- Maps depicting the location of sensitive groundwater resources such as: municipal watersheds, source water protection zones (available from John Duggan of the Colorado Department of Public Health and the Environment [CDPHE] at 303- 692-3534), private wells, sensitive aquifers, and recharge areas.

#### *Groundwater Impacts and Mitigation*

We recommend that Chapter 4 of the Final RMP/EIS include a discussion of potential impacts to groundwater resources associated with RMP implementation. In this discussion, we recommend analyzing impacts of grazing and recreation, including potential bacteriological contamination at or near wellheads, seeps or springs. It will also be important to include corresponding information on mitigation measures that will be required to address these impacts.

### **2. Surface Water Resources**

#### *Surface Water Characterization*

Protection of the water resources of the D-E NCA were specifically cited as a purpose of the area's designation of a national conservation area by the Omnibus Act. The EPA recommends that the Final RMP/EIS provide a more detailed disclosure of surface water resources on the D- E NCA, including the following:

- The number of miles of perennial, intermittent, and ephemeral streams within the planning area.



- Modifications to Table 3.22 State Water Quality Classifications and Standards for D-E NCA including:
  - A reference to Colorado's 2012 Clean Water Act Section 303 (d) Impaired Waters List;
  - Use of the full water body identification from the Integrated Water Quality Monitoring and Assessment Report (Integrated Report or IR)( a unique identifier found in the ID 305(B) column of Appendix A). The current stream segment number usage in Table 3.22 is inconsistent with State and Federal waterbody nomenclature and may confuse reviewers.
- A discussion of water quality trends between the 2010 and 2012 Section 303(d) Impaired Waters List.
- A map identifying impaired stream segments, including those that continue downstream of the planning area.

Water developments established for grazing (e.g., reservoirs, catchments, stock tanks and springs) identified in Figure 3-32 are more numerous than those that can be identified as seeps and springs identified in Figure 3-9. The EPA recommends identifying the source of water (well, surface or seep/spring) for each water development identified in Figure 3-32 for disclosure purposes.

#### *Sediment Load Analysis*

Approximately 40 percent of Federal lands within the D-E NCA are characterized as having fragile soils (Draft RMP/EIS, page 236). Fragile, erodible soils are a concern regarding both soil quality and water quality, and represent a significant source of pollutants in the planning area. To fully disclose and, if necessary, mitigate the potential impacts of soil disturbance, we recommend that the Final RMP/EIS include an estimate of erosion rates by alternative in areas where fragile or erodible soils are present. For example, the Wyoming BLM's Bighorn Basin Draft RMP/EIS estimated erosion rates based on projected amount of surface disturbance, types of surface disturbance and general characteristics of the basin (erodible soils, slopes, etc.). Erosion rates were calculated using the Water Erosion Prediction Project model (WEPP), a web-based interface developed by the U.S. Department of Agriculture, Agricultural Research Service, which can be accessed at <http://ars.usda.gov/Research/docs.htm?docid=10621>. We recommend that the BLM consider using this model or another appropriate model.

### **3. Riparian Habitat**

Table 4.3 in the Draft RMP/EIS identifies that the Preferred Alternative protects the smallest percentage of riparian habitat through prohibition of surface disturbing activities (50 %), as compared to the other alternatives (Alternative B protects 94%, Alternative C protects 91% and Alternative D protects 69%). Even though riparian areas occupy only a small percentage of land in the D-E NCA (1.5% or 3,275 acres), these areas provide a wide range of functions critical to many different wildlife species, water quality, scenery and recreation (Draft RMP/EIS, page 211). The EPA recommends that the protections applied under Alternative B be applied to the Preferred Alternative to maximize protection of this unique and important resource.



#### **4. Source Water Protection and Public Drinking Water Supply**

The Draft RMP/EIS identifies that there are “public water reserves” scattered throughout the planning area (page 294). In order to ensure that public drinking water supply sources (e.g., surface water sources, including groundwater under the direct influence of surface water (GWUDISW) sources, and groundwater sources) are protected from potential impacts associated with BLM-authorized activities in the planning area, it is important to identify where these sources are located. The EPA recommends that the Final RMP/EIS include a map delineating source water protection areas for public water supply wells. Please contact John Duggan of the CDPHE at 303-692-3534 to assist with this information. Additionally, we recommend that Chapter 4 of the Final RMP/EIS include a corresponding discussion of potential impacts to and mitigation required for these resources. If public water supply wells are present, information from the source water assessment should be used to assess risk and help establish protections through BMPs or exclusions.

#### **5. Potential Measures to Protect Water Resources from Impacts Due to Grazing**

Grazing has the potential to adversely impact water resources, including surface and ground waters, wetlands, seeps, springs and riparian areas. BLM’s Standards for Rangeland Health and Guidelines for Livestock Grazing Management in Colorado underwent NEPA analysis in 1997 and are incorporated into the relevant RMPs, including the D-E NCA Draft RMP/EIS. If livestock grazing levels or practices are a significant factor in failing to meet Rangeland Health Standards, we recommend that the BLM commit to take action no later than the start of the next grazing year to initiate progress toward meeting the Standards. Since such action must be taken quickly, we recommend that the Final RMP/EIS include a list of potential measures that could be implemented at the project level to meet Rangeland Health Standards. This list could include measures that the D-E NCA has taken in the past, as well as the following suggestions:

- Require special protections for high quality wetland resources such as springs and seeps. Such protections might include development of alternative water sources, fencing to exclude livestock from a spring source, and redirection of spring or seep water to a trough for watering;
- To avoid possible infiltration of groundwater with contaminants resulting from congregation of livestock, require adequate separation between a livestock water well and the water trough or tank;
- Specify steps to protect and/or repair any existing exclusions and upland water developments, and develop new range improvements to protect water resources;
- Monitor impacts from grazing adjacent to high value water resources;
- Adjust the timing of grazing by delaying Spring turnout, increasing rotation, and focusing grazing on areas less intensely used in the previous year; and
- Develop a monitoring plan and schedule to assess effectiveness of range improvements in protecting aquatic resources.

In addition, we recommend the Final RMP/EIS identify the general features of an effective adaptive management plan that could be employed at the project level, including the following:

- Achievable and measurable objectives;
- Specific thresholds that would trigger actions;



- Commitment to implement a monitoring plan with protocols to assess whether thresholds are being met; and
- Commitment to use monitoring results to modify management actions as necessary.

## 6. Water Resources Best Management Practices

The following recommendations refer to BMPs identified in Appendix J: Best Management Practices for Management Actions in the Draft RMP/EIS.

- BMP #32 for water resources states the following: “Livestock management practices, such as animal health, feeding, and salting, shall be done in a manner to protect water quality.” The EPA recommends “watering” be added to the list of activities to be done in a manner to protect water quality under BMP #32.
- Regarding BMP #35 for water resources, we agree that work in wetlands and water courses should be timed to avoid high flows during late summer and early fall as a result of high intensity thunderstorm events. We recommend including “in spring due to high flows from snowmelt runoff” to the BMP.
- The EPA recommends consideration of a distance of 100-200’ from water for organized and dispersed camping and for location of toilets, dispersed toileting areas and other activities that involve human microbial wastes such as bathing, washing dishes and similar activities.

## The EPA’s Rating

Based on our review, the EPA is rating the Draft RMP/EIS Preferred Alternative as “Environmental Concerns – Inadequate Information” (EC-2). The “EC” rating means that the EPA’s review has identified potential impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the Preferred Alternative or application of mitigation measures that can reduce these impacts. The “2” rating means that the Draft RMP/EIS does not contain sufficient information for the EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment. We have enclosed a description of the EPA’s rating system for your convenience (Attachment 1).

We appreciate the opportunity to comment on this document, and hope our suggestions for improving it will assist you with preparation of the Final RMP/EIS. We would be happy to meet to discuss these comments and our suggested solutions. If you have any questions or requests, please feel free to contact either me at 303-312-6925 or David Fronczak of my staff at 303-312-6096 or by email at [fronczak.david@epa.gov](mailto:fronczak.david@epa.gov).

Sincerely,



Suzanne J. Bohan

Director, NEPA Compliance and Review Program  
Office of Ecosystems Protection and Remediation



**ATTACHMENT 1**  
**U.S. Environmental Protection Agency Rating System for**  
**Draft Environmental Impact Statements**

**Definitions and Follow-Up Action\***

**Environmental Impact of the Action**

**LO - Lack of Objections:** The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC - Environmental Concerns:** The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

**EO - Environmental Objections:** The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU - Environmentally Unsatisfactory:** The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

**Adequacy of the Impact Statement**

**Category 1 - Adequate:** EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2 - Insufficient Information:** The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new, reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

**Category 3 - Inadequate:** EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.



